

3. The parties have agreed on a Scheduling Order and jointly request that the Court enter a Scheduling Order in the form attached hereto as **Exhibit A**¹. This amends and supersedes the March 12th motion.

Respectfully submitted,

CASTILLO SNYDER, P.C.

By: /s/ Edward C. Snyder

Edward C. Snyder
esnyder@casnlaw.com
Jesse R. Castillo
jcastillo@casnlaw.com
700 N. St. Mary's Street, Suite 405
San Antonio, Texas 78205
Telephone: (210) 630-4200
Facsimile: (210) 630-4210

BUTZEL LONG, P.C.

By: /s/ Peter D. Morgenstern

Peter D. Morgenstern (pro hac vice)
morgenstern@butzel.com
Joshua E. Abraham (pro hac vice)
abraham@butzel.com
477 Madison Avenue, Suite 1230
New York, New York 10022
Telephone: (212) 818-1110
Facsimile: (212) 898-0123

***Counsel for Plaintiffs,
Ralph S. Janvey, et al.***

NELIGAN, LLP

By: /s/ Douglas J. Buncher

Douglas J. Buncher
dbuncher@neliganlaw.com
Republic Center
325 N. St. Paul, Suite 3600
Dallas, Texas 75201
Telephone: (214) 840-5320
Facsimile: (214) 840-5301

STRASBURGER & PRICE, LLP

By: /s/ Judith R. Blakeway

Judith R. Blakeway
judith.blakeway@strasburger.com
Merritt Clements
merritt.clements@strasburger.com
2301 Broadway
San Antonio, Texas 78215
Telephone: (210) 250-6000
Facsimile: (210) 250-6100

¹ Defendant reserves the right to seek modification of this proposed Scheduling Order for good cause based on further developments in this case, including if the investor plaintiffs' appeal to the United States Court of Appeals for the Fifth Circuit should still be pending or if those claims have been revived so that multiple trials may be avoided by modification of the Scheduling Order. Plaintiffs reserve the right to oppose any requested modification, regardless of the outcome of any appeal of the investor plaintiffs' claims.

BOIES SCHILLER FLEXNER LLP

By: /s/ Stuart H. Singer
Stuart H. Singer
ssinger@bsflp.com
Sashi C. Bach
sbach@bsflp.com
401 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022

*Counsel for Defendants,
Greenberg Traurig, LLP, et al.*

COWLES & THOMPSON, P.C.

By: /s/ Sim Israeloff
Sim Israeloff
sisraeloff@cowlesthompson.com
Jim E. Cowles
jcowles@cowlesthompson.com
901 Main Street, Suite 3900
Dallas, Texas 75202
Telephone: (214) 672-2000
Facsimile: (214) 672-2347

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2018, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Douglas J. Buncher

Exhibit A

there is insurance per Rule 26(a)(1)(D), a representative with full authority must attend in person; the parties and mediator may by agreement waive the requirement of attending in person.

b. June 1, 2018 – Fact discovery commences, if case is not resolved in mediation.

c. May 30, 2019 – Fact discovery shall be completed by the parties. All discovery requests, other than requests for production of documents and requests related to expert witnesses, must be served by the parties in time to permit responses by this date.

d. March 1, 2019 – Plaintiffs shall disclose experts and serve their expert reports pursuant to Rule 26(a)(2);

e. April 15, 2019 – Defendants shall disclose experts and serve their expert reports pursuant to Rule 26(a)(2);

f. May 15, 2019 — Plaintiffs shall serve rebuttal expert reports, if any;

g. July 1, 2019 – Expert discovery closes;

h. July 15, 2019 – All motions, including motions for summary judgment and any objections to expert testimony must be filed;

i. Responses to motions for summary judgment and objections to expert testimony are due 30 days after the motion is filed, replies are due 21 days after responses are filed;

j. Responses and replies to all other motions are due in accordance with Local Rules;

k. 90 days before trial date – Final Mediation; the parties may eliminate this requirement by agreement; the parties should advise the court if they are unable to agree on a mediator; all parties must attend the mediation in person; legal entities must provide a representative with full authority; if there is insurance per Rule 26(a)(1)(D), a representative with full authority must attend in person; the parties and mediator may by agreement waive the requirement of attending in person;

3. Parties desiring entry of a protective order under Rule 26(c) must either (a) request entry of an order in the district court's standard form, which can be found at: www.txnd.uscourts.gov/judges/dgodbey_req.htm or (b) if entry of a protective order in a different form is requested, the motion must (1) explain why the district court's standard form is inadequate in the particular circumstances of the case, and (2) include a redlined version of the requested form showing where it differs from the district court's standard form.

4. The parties shall file all pretrial materials by 45 days before the trial date. Failure to file pretrial materials may result in dismissal for want of prosecution. Pretrial materials shall include the following:

- a. pretrial order pursuant to LR 16.4;
- b. exhibit lists, witness lists, and deposition designations pursuant to LR 26.2 and Rule 26(a)(3); witness lists should include a brief summary of the substance of anticipated testimony (not just a designation of subject area) and an estimate of the length of direct examination; exhibit lists must include any materials to be shown to the jury, including demonstrative aids; the parties shall comply with Rule 26(a)(3) regarding objections;
- c. proposed jury charge pursuant to LR 51.1 or proposed findings of fact and conclusions of law pursuant to LR 52.1; any objections to the proposed jury charge shall be filed within 14 days thereafter; objections not so disclosed are waived unless excused by the court for good cause;
- d. motions in limine; matters that are not case-specific are strongly discouraged;
- e. requested voir dire questions.

5. The final pretrial conference will be set by separate order or notice. Lead counsel must attend the pretrial conference. The Court will likely impose time limitations for trial at the

pretrial conference. Examination of witnesses will be limited to direct, cross, re-direct, and re-cross. Any questions regarding this Order may be directed to the Court's Judicial Assistant, Donna Hocker Beyer, at 214-753-2700.

SIGNED this ____ day of March 2018.

DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE